## **EXHIBIT A**

Case 1:04-cv-11923-DPW

Document 243-2

3-2 Filed 10/19/2006 US LEGAL SUPPORT Page 2 of 22

48 (Rev. 1794) Subptoma in a Civil Case

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#### Issued by the

### UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON

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y.		SUBPORNA IN A CIVIL CASE		
FAC	JEBOOK, INC., ET AL	Case Number: 1:04-CV-11923 USDC District of Massachusens		
-	: Facific Numbwest Software 0 177th Place NB			
X¢d	arend WA 98057.			
O	YOU ARE COMMANDED to appear in the United States Distribution for the above case.	rist court at the place, date, and time specified below to		
PY.A:	TEOP TRAINCONY	CONTRON		
		DATE AND DESE		
<u> </u>	YOU ARE COMMANDED to appear at the place, date, and the in the above case.	pe specified below to testify at the taking of a deposite a		
*2.A(	CE OF DEPOSITION	DATE AND TRACE		
Qxx:	ick, Herrington & Suicliffe LLP, 719 Second Avenue, Suise 9(8),	Seattle, WA Combet 18, 2006, 9:50 s.m.		
Sec	YOU ARE COMMANDED to produce and permit inspection a place, date, and time specified below (list documents or objects Anachment A			
 33.44	X	DAYE AND TOKE		
Čm	ck, Herringson & Smeiisse LLP, 719 Becond Avenue, Suite 900,	Sewille, WA Outster 11, 2006, 9:00 a.m.		
Ü	VOU ARE COMMANDED to permit inspection of the following	ng premises at the date and time specified below.		
FREA	(KES	DAYKAND TRAE		
dire	organization set a party to this suit that is subpocuace for the tal ctors, or managing agents, or other persons who consent to testify lors on which the person will testify. Federal Rules of Civil Proce	y on its behalf, and may set forth, for each person designated, the		
:890;	del duccea nod viña jud ille lodicate a allonen ech statulo.	FOR DEFENDANT) DATE		
Joseph	Mynthyt-	September 26, 2006		
380 33.	SIO OFFICIAL PANE, ADDRESS AND FINISE STREET.	CONTRACTOR STATE STATE AND ASSESSMENT AND ASSESSMENT AND ASSESSMENT AND ASSESSMENT ASSES		
	resa A. Sutten, Counsel for Desendants Facebook, Zuckreberg. ) ck, Reningula & Sutcliffe LLP	Moskovitz, McCollum, and Hughes (Tel: 630.614.7-(8))		
	Marsh Read, Menio Park, CA 94625			
	(See Ratio 45, Frederic Reject of Cloud In	recording, Papels (* S. D. o.: news props)		

The critical is seending in district other than district of issuance, state district under case number

## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

CONNECTULLC,

Plaintiff's.

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MARK ZUCKERBERG, EDUARDO SAVERIN, DUSTIN MOSKOVITZ, ANDREW MCCOLLUM, CHRISTOPHER HUGHES, and FACEBOOK, INC.,

Defendants.

MARK ZUCKERBERG, and FACEBOOK, INC., Counterelaimants,

Ÿ,

CONNECTULLC

Counterdeièndant,

and

CAMERON WINKLEVOSS, TYLER WINKLEVOSS, 2014 DIVYA NARENDRA,

Additional Counterdefendants.

CIVIL ACTION NO. 1:04-CV-11923 (DPW)

#### AMENDED NOTICE OF SUBPOENA TO PACIFIC NORTHWEST SOFTWARE

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT pursuant to Rules 30 and 45 of the Federal Rules of Civil Procedure Defendant and Counterclaimant Facebook, Inc. will take, by oral examination, the deposition of Pacific Northwest Software, which will commence on October 18, 2006, at 9:00 a.m. at the law offices of Orrick, Herrington & Sutcliffe LLP, 719 Second Avenue, Scattle, Weshington, or at a time and place agreed upon by counsel. The deposition will continue from day to day until completed. The testimony of Pacific Northwest

NOTICE OF SUBPOSMA TO PACIFIC MORTHWEST SOFTWARE

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Software will be recorded by video, as well as stenographic means including the instant visual display of testimony. The deposition will be taken before an officer authorized by law to administer paths pursuant to Rule 28 of the Federal Rules of Civil Procedure.

Pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, Pacific Northwest Software shall designate one or more officers, directors, agents, employees or other persons who have knowledge of and will to testify on behalf of Pacific Northwest Software with regreat to the subjects specified in Attachment D.

PLEASE TAKE FURTHER NOTICE that pursuant to Rule 45 of the Federal Rules of Civil Procedure, Facebook will request that Pacific Northwest Software produce the documents identified in Attachment A to the subpoena for inspection and copying on October 11, 2006, at the address listed in the subpoens. A true and correct copy of the subpoens is attached.

Dated: September 26, 2005

Sutton (Admitted Pro Hac Vice) ORRICK, HERRINGTON & SUTCLIFFE LLP 1000 Marsh Road

Menlo Park, CA 94025 Telephone: (650) 614-7400

Facsimile: (650) 614-7401

PROSKAUER ROSE, LLP One International Plaza, 14th Floor Boston, MA 02110-2600 Telephone: (617) 526-9600

Facsimile:

(617) 526-9899

Attorneys for Mark Zuckerberg, Dustin Moskovitz, Andrew McCollina, Christopher Hughes, and Facebook, Inc. 1885 18:86 818-878-9351

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#### Aitachment A

- 1. All communications that refer to, relate to, or reflect the organization or membership of ConnectU LLC as of September 2, 2004, including all communications with any party representing ConnectU LLC or www.connectu.com which reflects worked performed for ConnectU LLC or the responsibilities of that party to ConnectU LLC.
- All communications that refer to Divya Narendra (including as a recipient of any such communication) and that summarize, describe, refer or relate to ConnectU LLC, www.connectu.com, or HarvardConnection.
- All communications between you and HarvardConnection; iMure, LLC; ConnectU, LLC; ConnectU, Inc.; Cameron Winklevoss; Tyler Winklevoss; Howard Winklevoss; and/or Marie Antonelli.
- 4. All communications that summarize, describe or refer to the formation and membership of ConnectULLC or Hurvard Connection.
- 5. All handwritten notes, billing records, emails, electronic communications, or the like, which refer or relate to ConnectU LLC, www.connectu.com, www.facebook.com, and/or TheFacebook.
- All billing or similar records for worked performed for, on behalf of, or by. Harvard Connection, Connectif LLC, and/or www.connectu.com, including the dates of such work.
- All communications that summarize the role of Winklevers Consultants, Inc.
  Winklevers Technologies, LLC or Winklevers LLC, to the extent that such
  communications also concern Harvard Connection, ConnectU LLC or
  www.connectu.com.

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#### Attachment B

#### Topics for Deposition

- The creation of, authenticity of, location of, attempt to identify, and efforts to locate and produce all documents identified in Attachment A of this subpocus duces tecum.
- 2. Communications regarding the organization or membership of ConnectULIC as of September 2, 2004, including all communications with any party representing ConfectULLC or www.connectu.com which reflects worked performed for ConnectULLC or the responsibilities of that party to ConnectULLC.
- Communications regarding Divya Narendra and ConnectULLC, www.connectu.com, or HarvardConnection.
- Communications between you and HarvardConnection; iMarc, LLC; ConnectU, LLC; ConnectU, Inc.; Cameron Winklevoss; Tyler Winklevoss; Howard Winklevoss; and/or Maria Antonelli.
- Communications regarding the formation and membership of Connectt) LLC or Harvard Connection.
- Corporate (including, without limitation, noise, billing, or financial) records that refer to ConnectU LLC, www.connectu.com, www.facebook.com, TheFacebook, and/or Harvard Connection.
- Your relationship with, including any work you performed for Connectty LLC, www.connects.com, and Harvard Connection.
- 8. Communications regarding Winklevess Consultants, Inc., Winklevess Technologies, LLC or Winklevess LLC, to the extent that such communications also concern Harvard Connection, ConnectU LLC or www.connectu.com.

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.S. LEGAL SUPPORT
4232-1 Las Virgenes Road, Suite 100, Calabasas, California 91302
PHONE: (818) 878-9227 FAX:(818) 878-9851

00362462-38

DECLARATION OF CUSTODIAN OF RECORDS  RECORDS CN: Connectu  D.O.B.: B.S.M.: LOCATION: Pacific Northweat Software  1 being the duly authorized custodian of records and having the authority to certify the records, declare the following:  1. DESCRIPTION OF RECORDS PRODUCED: (Must select at least one)  Medicel Billing Rediclogical Insurance Employment  Payroll Academic Other  The records were prepared by the personnel of the business in the ordinary course of business at or near tra time of the act, condicin, or event.  2. THE RECORDS INDICATED BELOW WERE REQUESTED BUT DO NOT EXIST:  Medical Billing WCAB Recs Insurance Physical Therapy Sign-In she Employment Pathology reports/materials Prescription/Phormacy Photographs Videotapes Paremedic/Ambulance Psychiatric Payroll Academic Xray:  Radiological Other/Explanation  3. IN WHAT MANNER WERE THE PRODUCED RECORDS PREPARED: (Must select at least one)  The produced records is a rue copy of all the records described in the Deposition Subpoena, Subpoena Duces Teaum were delivered to the Attorney's representative for copying at the winters place at business.  The roduced records is a rue copy of all the records described in the Deposition Subpoena Duces Teaum were delivered to the Attorney or the Attorney's representative for copying at the winters' place at business.  The roduced records were someted or could not be produced at this time for the following reason:  5. CERTIFICATION OF NO RECORDS: (Must Select at least one)  A thorough search of our files, carried out under my direction revealed no documents, records not written the time limitation set forth in the request.  All records have been destroyed in accordance with our document retention policy.  Other explanation:  Date: City California, I the CUSTODIAN of RECORDS, release that the foregoing is true and correct.
S.S.N.: LOCATION: Pacific Northwest Software Libring the duly authorized custodian of records and having the authority to certify the records, declare the following:  1. DESCRIPTION OF RECORDS PRODUCED: (Must select at least one) Medical Billing Radiological Insurance Employment Payroll Academic Other  The records were prepared by the personnel of the business in the ordinary course of business as or near the time of the act, condition, or event.  2. THE RECORDS INDICATED BELOW WERE REQUESTED BUT DO NOT EXIST: Medical Billing WCAB Recs Insurance Physical Therapy Sign-In she Employment Pathology reports/materials Prescription/Phormacy Photographs Videotapes Paramedic/Ambulance Psychiatric Payroll Academic Xray: Radiological Other/Explanation  3. IN WHAT MANNER WERE THE PRODUCED RECORDS PREPARED: (Must select at least Data/Computer Generated Typed/Fiend Written Notes Summary Radiological Audio/Video Pathological Other  4. CERTIFICATION OF RECORDS COPIED OR OBTAINED: (Must select at least one) The produced records is a true copy of all the records described in the Deposition Subpreme, Subpreme Dates Tecorn or Authorization. Pursuant to Evidence Code Sention 1560(e), the original records described in the Deposition Subpreme, Subpreme Dates Tecorn or Authorization. Pursuant to Evidence Code Sention 1560(e), the original records described in the Deposition Subpreme, Subpreme Dates Tecorn or Authorization. Pursuant to Evidence Code Sention 1560(e), the original records described in the Deposition Subpreme Subprementative for copying at the witness' place of business. The following records were original records described in the Tecords and the original records described in the Eucords of the time for the following reason:  5. CERTIFICATION OF NO RECORDS: [Must Select at least one] A thorough search of our files, carried out under my direction revealed no decuments, records or other material called for in the Suppose or Authorization.  Existing records not within the time limitation set forth in the request.  All record
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Print name Signed
OFFICE USE ONLY) CENTIFICATION OF PROFESSIONAL PHOTOCOPIER
the undersigned, declare that I made true copies of all of the udginal records that were given to me
y the Custodian of Records at the above named location. I decise under penalty of perjury that the
NATURAL CO.
California Signed

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US LEGAL SUPPORT

PASE 18/26

#### Issued by the

## UNITED STATES DISTRICT COURT

P. 20. 2. 20. 2. 4.	USING WASHINGTON.
COMMECTULE	
V.	SUBPOENA IN A CIVIL CASE
FACEBOOK, INC., ET AL	Case Number: 1:08-CV-11923 USDC District of Massech assets
T(): John Taves	
1514 IIInd Flace, NE #1 Seasmannish, Washington 98074	
YOU ARE COMMANDED to appear in the United Statestiffy in the above case.	tos District court at the place, date, and time specified below to
PLACE OF TEXTIMORY	(38.8:86)%
	DATE AND TIME
YOU ARE COMMANDED to appear at the plane, date in the above case.	, and time specified below to testify at the taking of a deposition
PLACE OF EXPOSITION	ESATS AND TROX
Orrick, Herrington & Suteliffe LLP, 719 Second Avenue, Su	ine \$60, Seattle, WA Gestober 18, 2005, 1.00 p.m.
See Attachment A	
XXXXX	DAYE AND TOUR
Orrick, Herrington & Sutcliffe LLP, 719 Second Avenue, Su	
C YOU ARE COMMANDED to permit inspection of the	following premises at the date and time specified below.
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	or that taking of a deposition shall designate one or more officers, to matify on its behalf, and may set finite, for each person design ted, the of Procedure, 30(b)(8).
DESCRIPTION AND THE WAS LONDOWN BY WASHINGTON BOTTOM OF THE WASHINGTON WASHIN	PLACE TO TETENDANTS DATE
THE REPORT OF THE PARTY OF THE	September 26, 2006
Theresa A. Surron, Counsel for Defendants Facebook, Zack Orrick, Herrington & Sateliffe LLP 1996 Marsh Road, Menlo Park, CA 94625	
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Page 9 of 22

#### anal Rules of Civil Procedure, Paris C& D:

#### TEON OF PERSONS SUBJECT TO SUBPORNAS.

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- (2) (A) A person remainded to produce and person imperson and copying of designated backs, papers, determines or langible things, or imperson of personant need not appear in person at the place of production or impersonal unless commanded to appear for deposition, leading or stat.
- (8) Subject to paragraph (4) (1) of this tale, a person communical to produce and paramitinspection and copying may, within 14 days after service of subpects or before the time specified for compliance if such time is less than 14 days after service, days upon the purity is alterney designated in the subpects and last after solvice, days independent or repying of any or all of the designated materials or of the purities. If objection or repying of any or all of the designated materials are of the purities. If objection is used, the purity services the permitted and control to majority and type purities are instead. If objection has been made, the purity serving the subpocess was issued. If objection has been made, the purity serving the subpoces may, upon notice to the person communical to produce, move at any lime for an order on comply the production. Such as order to receively production shall protect any person who is not a party or an officer of a party limit allocations and suppose resulting from the inspection and supplying communicated.
- (3) (6) On timely motion, the exact by which a subpresse was lessed that thinks or modify the subpresse if it
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- (iii) requires disclosure of privileged at what proposed; what and so exception at waters applies, in
  - (in) suplacts a barron to maps princes.
  - (B) If a subposting
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(ii) requires a person who is not a party or an efficient of a penty to income substantial expenses to bravel overs from 100 miles to effect trial the countries, to protect a person subject to an effected by the influence, quarter or modificial and person as person and the person is absolute to a construct the advances as it is not above a minute ball of the feet influence or material that the subporte is added and will be reduceably compensated, the countries of when the subporte is added and upon reduceably compensated, the countries of the person in the person are produced to constitue.

#### (d) DUTES IN RESPONDENCE TO SUPPOENA.

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- (2) When inflamation subject to a subposts is wisheld on a Claim first it is provident or principle to proceeding as trial proposition statistics, the claim shall be supported by a description of the nature of the decomposity or non-resolutions of the decomposit, communications, or simply not produced that is cofficient as a sold the decomposity, communications, or disagn not produced that is cofficient as a sold the decomposity, communications or disagn not produced that is cofficient as a sold the

US LEGAL SUPPORT

PAGE 23/26

### IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

CONNECTULLC,

Plaintiffe,

V.

MARK ZUCKERBERG, EDUARDO SAVERIN, DUSTIN MOSKOVITZ, ANDREW MCCOLLUM, CHRISTOPHER HUGHES, and FACEBOOK, INC.,

Defendants.

MARK ZUCKERBERG, and FACEBOOK, INC.,

Counterclaiments,

٧.

CONNECTULLC,

Counterdefendant,

and

CAMERON WINKLEYOSS, TYLER WINKLEVOSS, and DIVYA NARENDRA,

Additional Counterdefendants.

CIVIL ACTION NO. 1:04-CV-11923 (DPW)

### NOTICE OF SUBPOENA TO JOHN TAVES

### TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT pursuant to Rules 30 and 45 of the Federal Rules of Civil Precedure Defendant and Counterclaimant Facebook, Inc. will take, by oral examination, the deposition of John Taves, which will commence on October 18, 2006, at 1:00 P.M. at the law offices of Orcick, Herrington & Sutcliffe, LLP, 719 Second Avenue, Seattle, Washington, or at a time and place agreed upon by counsel. The deposition will continue from

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day to day notif completed. The testimony of Mr. Taves will be recorded by video, as well as stemographic means including the instant visual display of testimony. The deposition will be taken before an officer authorized by law to administer paths pursuant to Rule 28 of the Federal Rules of Civil Procedure.

PLEASE TAKE FURTHER NOTICE that pursuant to Rule 45 of the Federal Rules of Civil Procedure, Facebook will request that Mr. Taves produce the documents identified in Attachment A to the subposens for inspection and copying at the same date, time and address listed in the subposens. A true and correct copy of the subposens is attached.

Dated: September 26, 2006

Theresa A. Sutton (Admitted Pro Hac Vice)
ORRICK, HERRINGTON & SUTCLIFFE LLP

1000 Marsh Road

Menlo Park, CA 94025

Telephone: (650) 614-7400 Facsimile: (650) 614-7401

PROSKAUER ROSE, LLP One International Plaza, 14th Floor

Boston, MA 02110-2600

Telephone: (617) 526-9600 Facsimile: (617) 526-9899

Attorneys for Mark Zuckerberg, Dustin Moskovitz, Andrew McCollum, Christopher Haghes, and Facebook, Inc. 10:06 010-879-9651

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#### Attachment A

- 1. All communications that refer to, relate to, or reflect the organization or membership of ConnectU LLC as of September 2, 2004, including all communications with any party representing ConnectU LLC or www.connectu.com which reflects worked performed for ConnectU LLC or the responsibilities of that party to ConnectU LLC.
- All communications that refer to Divya Narendra (including as a recipient of any such communication) and that summarize, describe, refer or relate to Connectly LLC, www.connectu.com, or HarvardConnection.
- 3. All communications between you and HarvardConnection; iMare, LLC; ConnectU, LLC; ConnectU, Inc.; Cameron Winklevoss; Tyler Winklevoss; Howard Winklevoss; and/or Maria Antonelli.
- 4. All communications that summarize, describe or refer to the formation and membership of ConnectU LLC or Harvard Connection.
- 5. All handwritten notes, billing records, emails, electronic communications, or the like, which refer or relate to Connectly LLC, www.connectu.com, www.facebook.com, and/or TheFacebook.
- All hilling or similar records for worked performed for, on behalf of, or by, Harvard Connection, ConnectULLC, and/or www.connectu.com, including the dates of such work.
- All communications that summarize the role of Winklevoss Consultants, Inc., Winklevoss Technologies, I.I.C or Winklevoes I.I.C, to the extent that such communications also concern Harverd Connection, ConnectU.I.I.C or www.connectu.com.

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US LEGAL SUPPORT

PAGE 25/26

LEGAL SUPPORT

T Les Virgenes Road, Suite 100, Calabasas, California 91302

JNE: (818) 878-9227 FAX:(818) 878-9851

nasasaas.n

Print name Signed  DFFICE USE ONLY) CERTIFICATION OF PROFESSIONAL PHOTOCOPIER the undersigned, declare that I made true copies of all of the original records that were given to me the Costodian of Records at the above named location. I declare under penalty of perjury that the regoing is true and correct.  Equited on		•		4,54,7	30%#0%+0%
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Page 14 of 22

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### U.S. LEGAL SUPPORT

Reference Number# 00352462-05

DUE: 10/11/06

X Calabasos 4232-1 Las Virgenes Road Calabasso, CA 91302 Phonn: 8:8-878-3008 Fax: 8:8-878-9851	Pagadena 127 N. Madison Ave., Supe 104 Psindena, CA 91101 Phone, 626-197-9690 Pax: 626-197-9696	Santa Monica 723 Oven Park, Sule 106 Santa Monica, CA 99405 Prome: 310-396-6414 Fax: 310-396-1764	Sacramenti 1339 Hubes Divd., Juste 297 West Sacramento, CA 93691 Phone: 916-372-2207 Pax: 916-372-2077
San Diego 1751 Hozel Circle Steels, Suite 230 San Diego, CA 92188 Phono: 619-193-3883 Fan 619-193-3868	Inland Empire 1420 E. Cooley Drive, Suite 102 Colleg. CA 92324 Phone: 509-872-6787 Pax: 809-872-6882	Orange County 1748 W. Kafella Ave., New 209 Orange, CA 92867 Phone: 714-532-1600 Pax: 714-532-1611	San Francisco 144 South Sproze Ave. 30. San Francisco ( A 94080 Phone: 650 873-9181 Fax: 650-873-8081

#### NOTICE TO PARTIES BEING SUBPOENAED

#### TO THE CUSTODIAN OF RECORDS OF:

Pacific Northwest Software 2210 177th Piese NE Recmond, WA 98052

#### RECORDS REGARDING:

Connectu DOB: SSN:

#### RECORDS SOUGHT:

Obtain all documents and records, including all communications that referto, relate to, or reflect the organization or membership of ConnectU LLC. Divys Narendra, etc. SEE ATTACHMENT A AND 8 FOR DETAILS.

- 1) Remember to sign the enclosed Declaration of Custodian of Records form.
- 2) Please include our reference number, 00362462-06, on all correspondence.

You may satisfy the provisions of this subpoens by complying with any one of the following instructions:

- 1) Allow U.S. LEGAL SUPPORT to photocopy the requested records.
- Appear at the scheduled time and place, bringing with you the originals of all of the records described in the subpoena.
- 3) Mail your response to our attention, taking the following steps:
  - a. Copy the requested records (or displicate the requested neins or materials), if no such records or materials, go to step c.

 b. Contact U.S. LEGAL SUPPORT prior to sending the records if there are any additional fees for producing the records or materials.

c. Complete the declaration form (the last page in the subpoena packet sent to you) to indicate the records and/or items being sent, or to indicate that you have none of the records and/or items requested if they do not exist.

d. Mail records to the field office whose address is checked off at the top of this notice. Please make sure to include our reference number (found in the upper right hand corner of this poice) on all correspondence you send.

WHEN THE AFOREMENTIONED RECORDS ARE AVAILABLE TO BE COPIED, PLEASE CONTACT THE OFFICE INDICATED ABOVE.

IF YOU HAVE ANY QUESTIONS REGARDING THE ATTACHED SUBPOENA OR HOW TO RESPOND, PLEASE FEEL FREE TO GIVE US A CALL.

Reference Number# 00362462-06 DUE: 10/11/06

3-45, Foderal Rules of Civil Proceeding, Parts C & D:

#### AD PROTECTION OF PERSONS SCHARCT TO SUBPRISHAS.

- (1) A party or an atturney requisible for the isolance and arrive of a subporture shall take reasonable steps to evoid irranable under burden in expansion a process material to that subporture. The quant on behalf of which the subporture was issued shall entitied out duty and irranable of this cludy an appropriate spansion which may include, but is sed limited in, but mainings and reasonable anomaly inc.
- (3) (A) A person communical to produce and permit respection and copying of designment books, papers, documents or sangelish things, or suspection of previous need and appear in person at the place of production or inspection univercommunical to appear for deposition, bearing or tits.
- (B) Subject to paragraph (B) (B) of this rule, a person communical in produce and partial impaction and opposits many, within 14 days after service of subcome or before the first specified for compliance if such that is subcome as before the first specified for compliance if such that is the subcome arrives objection to impact our copying of any or all of the designated and embedded or of the provides. If objection is truck, the party serving the independent materials or of the provides accept partials and easy materials or impact the provides except partials an order of the country arriving the independent may, upon unduce to the persons communicated to compily production and may be an order to the persons and in the country from the persons and impact to compily production shall proved any partials also into a party or an efficient of a party from supplication shall proved any partials also into a party or an efficient of a compily from supplication and implying contamited.
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#### ACOUNTES IN SESPONDING TO SUBPORTAL

- (1) A person responding at a subposes to produce documents of all renduce them as they are kept in the small come of business so shall organize and label them to correspond with the samportes in the domain.
- (2) When information subject to a subposers is withhold on a close of the it is provinged on author to province as wist proposation contents, the of time shall be unspected by a description of the tables of the tourist, congruents, congruents, or things not produced that is sufficiently craite the demanding party in original the claim.

## **EXHIBIT B**

## UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

CONNECTU LLC,	) )
Plaintiff, v.	) ) ) CIVIL ACTION NO. 2004-11923 DPW
MARK ZUCKERBERG, EDUARDO SAVERIN, DUSTIN MOSKOWITZ, ANDREW MCCOLLUM, CHRISTOPHER HUGHES, THE FACEBOOK, INC.,	
Defendants.	
MARK ZUCKERBERG, THE FACEBOOK, INC.	
Plaintiff-in-Counterclaim, ) v.	
CONNECTU LLC,	
Defendant-in-Counterclaim, )	
and )	
CAMERON WINKLEVOSS, TYLER WINKLEVOSS, DIVYA NARENDRA,	
Additional Defendants- in-Counterclaim.	

# $\frac{\text{AFFIDAVIT OF JOHN TAVES IN SUPPORT OF MOTION TO QUASH SUBPOENA}}{\text{DUCES TECUM}}$

I, John Taves, hereby declare and state the following under oath:

- 1. I am the principal owner, director and officer of Pacific Northwest Software, Inc. ("PNWS"). I am an authorized records custodian of Pacific Northwest Software, Inc. I make this declaration based upon personal knowledge.
- 2. I was served with a subpoena duces tecum by Facebook for the production of documents relating to my former customer, ConnectU, LLC in ConnectU v. Facebook, Inc., et al, Cause Number 1:04-CV-11923, USDC District of Massachusetts on or about September 28, 2006. See Exhibit A.
- 3. PNWS offers custom software and web development for companies. PNWS performed development services for ConnectU, LLC from December 2004 through June 2006.
- 4. I executed records custodian affidavits as to requests 1, 2 and 4 of the subpoena duces tecum. After searching the files and back-up server for PNWS, no responsive documents were located. See Exhibit C.
- 5. PNWS did not start working for ConnectU until late December 2004.
- 6. The communications that Facebook seeks in the subpoena duces tecum include all communications that PNWS had with ConnectU, without any date restriction. There ere over 500 documents that were pulled from the server that may include communications involving ConnectU. These communications involve confidential, proprietary matters. The requests are overbroad in that they also seek documents that while they reference ConnectU, also include confidential, proprietary information regarding some of PNWS's other clients. These documents include materials that would disclose PNWS marketing strategies, business strategies and other financial and business information. Such information would need to be redacted prior to disclosure.

7. Facebook also seeks billing records and invoices regarding ConnectU. Payment was handled through wire transfers and would include the disclosure of confidential financial information of both ConnectU and PNWS.

The foregoing declaration is made and signed under the penalties of perjury of the laws of the state of Massachusetts, and signed at Redmond, Washington, on October 19, 2006.

John Taves

### **EXHIBIT C**

16:35 918-978-9951

IS LEGIL REPORT

PAGE: 25/25

LEGAL SUPPORT

1 Las Virgones Road, Suite 100, Calabasas, California 91302

JNE: (818) 878-9227 FAX:(818) 878-9851

00362462-04

DECLARATION OF CUSTODIAN OF RECORDS
D.O.B.: S.S.N.: LCCATION: John Taveo  I boing the duty authorized outcodian of records and having the authority to certify the records.  Juntary the following:
1 DESCRIPTION OF RECORDS PRODUCED: (Must solect at least and)
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Payroll Acstismic Other
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2. THE RECORDS INDICATED BELOW WERE REQUESTED BUT DO NOT EXIST:
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Employment Pathology reports mistorials Prescription/Pharmacy Photographs
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Rack-logical X Other/Explanation records relating to Requests 1, 2 and 4 on Attachment A
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3. IN WHAT MANNEH WERE THE PRODUCED RECORDS PREPARED: (Must select at isset one)
Date/Computer Generated Typed/Hand Written Notes Summary Radiological
Audio/Video Pathelogical Other
4. CERTIFICATION OF RECORDS COPIED OR OBTAINED: (Most select of least one)
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Records relating to Requests 3, 5, 6 and 7, see separate objection; a motion for protective
5. CERTIFICATION OF NO RECORDS: (Must Select at least one) order will be filed
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All records have been destroyed in accordance with our document retention policy
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2. THE RECORDS INDICATED BELO	W WERE REQUE	STED BUT DO NOT EXIS	5 <b>T</b> :
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#### RECORDS ON: Connuctu 0.0.8. 3.5Ji. I being the duly numorized coutoff. decises the following: 1. DESCRIPTION OF RECORDS Medical Billing Radi \_\_\_Payroll \_\_\_\_Apademic \_\_\_O The records were prepared by the or reser the time of the act condi-2. THE RECORDS INDICATED BI \_\_Medical \_\_\_Billing \_\_WCA Employment Painology reports/materials Prescription/Phomiscy Photographs Videotapes Paramedic/Amblifance Psychletric Payroll Academic Xrays Radiological X Other/Explanation records relating to Requests 1, 2 and 4 on Attachment A 3. IN WHAT MANNER WERE THE PRODUCED RECORDS PREPARED: (Must select ut least one) Data/Computer Generated Typod/Hand Written Notes Summary Radiological Aud-o/Video Pathological Other 4. CERTIFICATION OF RECORDS COPIED OR OBTAINED: (Must select as least one) The produced records is a new comy of all the records described in the Deposition Subposes, Subpoena Orices Toront or Authorization. Pursuant to Evidence Code Section 1560(e), the original records described in the Deposition Subpoens/Subpoens Duces Tesum were delivered to the Atterney or the Actorney's representative for copying at the witness' place of business. X Trill following records were omitted or could not be produced at this time for the following reason Records relating to Requests 3, 5, 6 and 7 - see separate objection; a motion for protective 5. CERTIFICATION OF NO RECORDS: (Must Select at least one) order will be filed X A thorough search of our files, partied but under my direction revealed no documents, records or other material called for in the Suppoens or Authorization (Relating to Requests 1, 2 and 4). Existing records not within the time limitation set forch in the request All records have been destroyed in accordance with our document retention policy. Othor explanation: Under panelty of perjuly and under the laws of California, I the CUSTODIAN of RECORDS. declare that the foregoing is true, and correct. Washington XXXXXXXX Custodin Print name Soll (OFFICE USE ONLY) CENTIFICATION OF PROFESSIONAL PHOTOCOPIER I, the undersigned, declare that I made true copies of all of the original records that were given to me by the Custodian of Records at the above named location. I declare under pensity of parjury that the foregoing is true and correct. **ि×रूप्यारख्ये** तत् , Print Name

Signer .....